

REMARKS

The present application was filed on September 13, 2001 with claims 1-15. Claims 1 and 13-15 are the independent claims. The Examiner rejected claims 1, 13 and 14 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,173,395 to Wisor et al. (hereinafter "Wisor"); claims 2 and 3 under 35 U.S.C. §103(a) as being unpatentable over Wisor; and claims 4-12 and 15 under 35 U.S.C. §103(a) as being unpatentable over Wisor in view of U.S. Patent No. 6,353,924 to Ayers et al (hereinafter "Ayers"). After responses traversing the rejection, Applicant appealed the rejections. In Appeal Decision No. 2006-3352, dated November 30, 2006, the Board of Patent Appeals and Interferences upheld the rejections.

In this response under 37 C.F.R. §1.114, Applicant files a Request for Continued Examination along with the fee under 37 C.F.R. §1.17(e) and the present Amendment. Thus, Applicant respectfully requests that prosecution be reopened and that the present Amendment be entered.

Applicant has amended independent claims 1 and 13-15 to further indicate the patentable subject matter and thus traverse these rejections. Specifically, the independent claims have been amended to clarify how the unique identifier is unique; namely, that the unique identifier itself uniquely corresponds to a set of instructions executed as a result of an evaluation of true. Support for this amendment may be found in the specification at, for example, paragraphs 48-49, 55 and 57.

Applicant respectfully submits that Wisor not only fails to teach this claim limitation but in fact actively teaches away from it by disclosing a technique wherein an identifier consists solely of a zero or one bit which not only does not uniquely correspond to a set of executed instructions but is not even itself unique. Instead, Wisor teaches a technique wherein executed instructions are only capable of being identified by examining a location of an identifier. See, e.g., Wisor at col. 3 lines 11-21; col. 6, lines 22-46; and col. 7 lines 42-48.

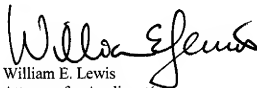
Applicant also notes that both the BPAI and the Examiner appear to concede that an amendment clarifying that a unique identifier uniquely corresponds to a set of instructions would differentiate the present invention from Wisor and thus traverse this rejection. See Appeal Decision at pages 6-8; Examiner's Answer at 11-12. Accordingly, Applicant respectfully submits that Wisor fails to meet the limitations of claim 1 as amended.

Independent claims 13-15 as amended include limitations similar to those of claim 1, and are therefore believed allowable for reasons similar to those described above with reference to claim 1.

Dependent claims 2-12 are believed allowable for at least the reasons identified above with regard to claim 1.

In view of the foregoing, claims 1-15 are believed to be patentably distinguishable over Wisor and therefore in condition for allowance. Reconsideration is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Lewis". The signature is fluid and cursive, with the first name "William" being the most prominent part.

William E. Lewis
Attorney for Applicant(s)
Reg. No. 39,274
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-2946

Date: December 21, 2006